

SENATE BILL REPORT

SB 5055

As of January 6, 2012

Title: An act relating to the notice of appointment of a personal representative in probate proceedings.

Brief Description: Regulating the notice of appointment of a personal representative in probate proceedings.

Sponsors: Senators Kline, Pflug, Kohl-Welles, Nelson, McAuliffe, Keiser, Chase, Fraser, Haugen, Prentice, Brown, Holmquist Newbry, Rockefeller and Shin.

Brief History:

Committee Activity: Judiciary: 1/14/11.

SENATE COMMITTEE ON JUDICIARY

Staff: Katherine Taylor (786-7434)

Background: Currently, the personal representative of the estate of a decedent must provide written notice of his or her appointment and the status of the probate proceedings, to each heir, legatee and devisee, as well as any beneficiary of a nonprobate asset to those persons whose names and addresses are known to the personal representative. The personal representative must then file an affidavit in the action containing proof of the notice.

Additionally, if the personal representative does not otherwise give notice to creditors under chapter 11.40 RCW within thirty days after appointment, the personal representative must provide written notice of his or her appointment and the status of the probate proceedings to be mailed to the Department of Social and Health Services' (DSHS) Office of Financial Recovery. Proof of the mailing must be made by affidavit and filed with the court.

Summary of Bill: The personal representative must also mail a copy of the affidavit containing proof of the mailing of notice of his or her appointment and pendency of the probate proceedings to DSHS Division of Child Support.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Proposed Substitute): Within 20 days after the entry of an order admitting a will to probate, the personal representative must submit a copy of the affidavit containing proof of the mailing of notice of his or her appointment and pendency of the probate proceedings along with the

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corresponding date of birth for each heir, legatee, or devisee of the estate to DSHS Division of Child Support.

DSHS may adopt rules necessary to implement this new requirement of a personal representative.

Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided or obtained under this proposed law shall be private and confidential. The information or records must only be subject to public disclosure if required by rules adopted by the secretary of DSHS.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony :

Testimony on Original Bill From 2011 Regular Session

PRO: We have some suggestions to help refine how this process would work. While this bill is not our request legislation, we are here to work with the King County Prosecutor's Office that this is an efficient and straightforward process to obtain the information. This bill is important to the children and families of this state who are owed child support. It is very difficult and time consuming to get information piecemeal regarding beneficiaries of estates where that beneficiary owes back child support. This bill sets up a very simple method for the state to receive this information. This bill is not about intercepting money intended to go to a minor beneficiary. The intent of the bill is to get information about beneficiaries and match the information to a list of those owing child support.

Persons Testifying:

Persons Testifying on Original Bill From 2011 Regular Session

PRO: David Stillman, DSHS Division of Child Support; Kathleen O'Brien, King County Prosecutor's Office.